

*Approved by EQAC, January 10, 2001*

**COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX  
MINUTES OF THE MEETING OF THE  
ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

**DATE: December 13, 2000**

**MEMBERS PRESENT**

Robert McLaren  
Mary Wolfe  
Frank Crandall  
James Elder  
Johna Gagnon

Stella Koch  
Savanna Lyons  
Sheila Roit  
David Schnare  
Judith Suchoski

**STAFF**

Noel Kaplan  
Kambiz Agazi

**SPEAKERS**

John DeNoyer  
Joseph Chudzik (Federation of Lorton Communities)  
Mike McMahon (Tree Commission)  
Eleanor Quigley (Tree Commission—Statement summarized by Mike McMahon)  
Frank Fuerst  
Larry Zaragoza (Environment and Recreation Committee, Mt. Vernon Council of Citizen Associations)  
Jack Hannon (West Lewinsville Heights Citizens Association)  
Matt Berres (Potomac Conservancy)  
Neal McBride (Laurel Hill Task Force and South Run Coalition)  
K.W. Crissman (Timberlane Homeowners Association)  
Roger Diedrich (Sierra Club: Great Falls Group)  
Chris Karner (Fox Heritage Homeowners Association)

**OTHERS PRESENT**

Mary Ashton (County Executive's Office)	Mary Nightlinger (League of Women Voters)
Todd Bolton (Fairfax County Park Authority)	Merrily Pierce (Chairman's Office)
LaTanya Holland (Supervisor Hudgins' Office)	Stephen Sulter (W. Lewinsville Hts. Cit. Assn.)
Sallie Lyons	Thaddeus Zavora (Fairfax County Park Authority)

The meeting was convened at 7:30 P.M.

### **2000 Annual Public Hearing**

Chairman McLaren welcomed all those in attendance. He asked that speakers limit their comments to four minutes each.

There were twelve speakers, some of whom provided written testimony and/or background information during the public hearing. Eleanor Quigley provided her comments prior to the public hearing, while Frank Fuerst provided written materials before, during, and after the public hearing. There was no additional written testimony submitted. A summary of the public hearing is attached and included in these minutes by reference.

### **Discussion of Park Authority Planning/Development Process Issues**

Mr. Crandall expressed his view that a resolution on this matter would be premature at this time; he indicated that he would prefer to distribute a draft resolution in advance of the January 10 meeting. After some discussion of the McLean High School Park site and the process through which the Park Authority considers environmental constraints, there was a general consensus to bring this issue back for discussion at the January 10 meeting. Dr. Schnare indicated that he was interested in getting a time line of the process, including public participation components of the process. Mr. Bolton distributed a handout entitled "The Process for Master Planning Parks." After further discussion, Chairman McLaren encouraged Dr. Schnare to prepare a draft resolution regarding development on school properties.

### **EQAC Officers for 2001**

Chairman McLaren asked for volunteers to serve on a search committee for EQAC officers for 2001. Ms. Koch moved that Mr. McLaren retain his chairmanship for another year and that Ms. Wolfe continue to serve as Vice-Chairman. Ms. Roit seconded the motion, and the motion passed unanimously.

### **Chairman's Items**

There were no Chairman's Items.

### **Council Member Items**

Ms. Roit noted that the Tree Commission had passed a resolution regarding tree preservation legislation and asked that this resolution be forwarded to EQAC members. Mr. Crandall remarked that particular attention to tree preservation was needed in infill developments.

### **Staff Items**

Mr. Kaplan noted that, prior to the public hearing, he had received comments from Frank Fuerst and Eleanor Quigley, and that copies of these comments had been provided to all members present at the meeting.

Mr. Kaplan stated that Tanis Skislak, EQAC's Sully District representative, had resigned from the Council due to health and professional concerns. He stated that she sent along her regrets that she was not able to work with the Council on the important environmental issues that it considers.

Mr. Kaplan stated that the *Annual Report on the Environment* had been presented to the Board of Supervisors on November 20, and that the Board directed staff to respond to EQAC's recommendations at a Board of Supervisors' Environmental Committee meeting in March, 2001. He noted that distribution of the report was in progress. There was a brief discussion regarding how the report was received by the Board.

Mr. Kaplan noted that he would not be able to get the report on EQAC's web site for several months unless someone from EQAC volunteered to work on the development of a web page for the report. He stated that the report had been prepared completely in digital form and that the document was stored in several files that could be converted to a web page format, but that there were no staff resources available at this time to do the work. He indicated that the Department of Planning and Zoning was going to hire a full-time web person, but that this person would probably not be on board for several months and that the EQAC report would probably not be the first priority once this person was hired. He indicated that a graphics technician within DPZ was currently providing web support services for the agency, but that this responsibility is not part of her job description and that she was doing this work in addition to her regularly-assigned responsibilities. Ms. Wolfe stated that she would look into getting volunteer assistance in order to get the *Annual Report* onto EQAC's web site.

Mr. Kaplan stated that, because of the staffing issues noted earlier, he has not been able to have the EQAC web page updated since the summer. He stated that he would be working with the DPZ graphics technician to make the existing web site less dependent on routine updates, and that, when a full-time web person for DPZ is hired, routine maintenance of the site (and regular updates of meeting

agendas and other items) could resume.

Mr. Kaplan stated that he had provided Council members with a copy of a Board Item summarizing Planning Commission recommendations regarding the Infill and Residential Development Study. He stated that the Board of Supervisors would be holding a public hearing on the study (and the Planning Commission recommendations) at 5:00 PM on Monday, January 22, 2001. Mr. Kaplan was asked to place this issue on EQAC's January agenda.

Mr. Kaplan reviewed the January agenda, noting that, in addition to consideration of the Infill and Residential Development Study and a draft resolution regarding Park Authority planning/development process issues, Jeff Smithberger (DPWES) would be addressing the Council regarding waste disposal issues. Mr. Kaplan asked the Council if it wanted to set the agenda for its February 14 meeting; he was asked to place a report on the Stream Protection Strategy program on the agenda, as well as a discussion of waivers. Mr. Kaplan stated that he would seek further guidance from the Council regarding these items at the January meeting.

Chairman McLaren stated that he would be reappointed to his position on the Council. Mr. Kaplan reminded the Council that many members' terms were set to expire in January.

Chairman McLaren reminded Council members to complete their Financial Disclosure Forms.

Dr. Agazi stated that the Environmental Excellence Awards program was coming up again, and he asked the Council if there should be changes to the application materials. The Council asked that this item be placed on the January meeting agenda.

The meeting was adjourned at 10:00 PM.



**COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX  
SUMMARY OF THE ANNUAL PUBLIC HEARING OF THE  
ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

**DATE: DECEMBER 13, 2000**

The public hearing commenced at 7:30 P.M. in Conference Rooms 2 and 3 of the Fairfax County Government Center. There were twelve speakers, some of whom provided written testimony and/or background information either before or during the public hearing. The speakers were:

- John DeNoyer
- Joseph Chudzik (Federation of Lorton Communities)
- Mike McMahon (Tree Commission)
- Eleanor Quigley (Tree Commission—Statement read by Mike McMahon)
- Frank Fuerst
- Larry Zaragoza (Environment and Recreation Committee, Mt. Vernon Council of Citizen Associations)
- Jack Hannon (West Lewinsville Heights Citizens Association)
- Matt Berres (Potomac Conservancy)
- Neal McBride (Laurel Hill Task Force and South Run Coalition)
- K.W. Crissman (Timberlane Homeowners Association)
- Roger Diedrich (Sierra Club: Great Falls Group)
- Chris Karner (Fox Heritage Homeowners Association)

Brief summaries of the public hearing testimony are provided within this document. The written testimony and handouts received at the public hearing are attached. Eleanor Quigley provided her comments prior to the public hearing, while Frank Fuerst provided written materials before, during, and after the public hearing. Copies of these materials are also attached.

**Dr. John DeNoyer**, who signed up to speak as an individual rather than on behalf of a particular group, read from his written statement. This statement, as well as related background material that he provided to the Council, are attached. Dr. DeNoyer's comments focused on the need to reduce impervious cover in the development of land in Coastal Plain aquifer recharge areas. Chairman McLaren asked if these areas in Fairfax County have been mapped. Dr. DeNoyer expressed his view that they have not been mapped adequately. Chairman McLaren suggested that Dr. DeNoyer contact the Northern Virginia Soil and Water Conservation District, which has received funding from the Board of Supervisors to conduct soil mapping work in the County.

**Mr. Joseph Chudzik**, Chairman of the Environment Committee of the Federation of Lorton Communities, read from his written statement, which is attached. His comments focused on a number

of environmental issues affecting the southern part of the County, including: emissions from the Energy/Resource Recovery facility; odor and effluent from the Noman M. Cole, Jr. Pollution Control Plant; stream protection and restoration; air quality monitoring; leachate from the I-95 Landfill; disposal of hazardous materials; concerns associated with a concentration of waste hauling vehicles based in the Lorton area; military helicopter flights over Mason Neck; sign pollution; staffing of the Spot Blight Abatement Program; and light pollution.

**Mr. Mike McMahon**, representing the Tree Commission, read from his written statement. The statement, as well as other materials that he provided (photos of a tree transplantation effort in Braddock District and a recent newspaper article in the Fairfax Connection), are attached. Mr. McMahon spoke about cooperative citizen/government/private sector efforts in the Burke area that served to reduce adverse impacts associated with large construction projects. He also noted the Tree Commission's successful efforts to have the American Holly designated as the official County tree.

**Ms. Eleanor Quigley**, also representing the Tree Commission, was not able to attend the meeting but did provide a written statement in advance of the meeting. Mr. McMahon summarized this statement. Ms. Quigley raised concerns about the amount of impervious cover proposed for the South County Government Center and the lack of shading that would be provided. She suggested, as an alternative, a tiered parking structure with appropriate landscaping, and cited the Herndon-Monroe Park and Ride facility as an example of a well-designed parking structure. Chairman McLaren noted that it was his recollection that a wooded rain garden facility was to have been designed into the parking lot. He asked Mr. McMahon if this was still being pursued. Mr. McMahon stated that he was not familiar with the details of the project, but that Ms. Quigley had noted at a recent Tree Commission meeting that she knew of only one large specimen tree that was going to be preserved on the site.

**Mr. Frank Fuerst**, speaking as an individual, read from his written statement. This statement, as well as written correspondence submitted on December 7, 2000 and December 20, 2000, are attached. Mr. Fuerst's comments focused on the possible development of additional active recreational uses on a 24-acre parcel located behind the Spring Hill Recreation Center. His concerns were that: 1) there has been, in his view, insufficient time to review the proposed development; 2) the development proposal may not need to go through the County's 2232 review process; 3) the area in question should, in his view, be afforded protection under the Chesapeake Bay Preservation Ordinance but isn't, only because of what he identifies as a U.S. Geological Survey map error; and 4) active recreational uses were being recommended at two inappropriate sites (the site in question and McLean High School Park). He stressed the environmental sensitivity of Bull Neck Run downstream of the parcel and recommended a passive recreational use for the site, along with Resource Protection Area and Environmental Quality Corridor designation for a stream valley on the site. He expressed concern that the proposed development would necessitate the filling of this stream valley, and he objected to what he viewed as a "fast track" process for approval and construction. He recommended that this project go through the

2232 review process.

After Mr. Fuerst's testimony, the Council engaged Mr. Fuerst and staff in a discussion of the EQC designation process, the relationship between the engineering study for the site and the EQC designation process, the mapping of perennial streams, and the processes through which public facility projects can be approved. Mr. Kaplan noted that the Planning Commission would ultimately determine if this particular proposal would need to go through the 2232 process (as opposed to a "feature shown" determination, which would not require a public hearing), and that, to the best of his knowledge, no determinations regarding the review process had yet been made.

Chairman McLaren suggested that Mr. Fuerst write to the Chairman of the Board of Supervisors noting conflicts with the recently-adopted Comprehensive Plan text regarding stream protection. Noting that the Planning Commission would determine whether or not a 2232 process would be needed, he suggested that Mr. Fuerst also send a letter to Walter Alcorn (the Chairman of the Planning Commission's Environment Committee), with copies to the other Planning Commissioners. Dr. Schnare suggested that Mr. Fuerst may want to seek injunctive relief to prevent the stockpiling of soil in the stream valley. Mr. Bolton noted that the stockpiling of fill would be subject to grading plan and erosion and sedimentation control plan requirements (as long as land disturbance exceeded 2,500 square feet), and that the plans would take at least 45 days for approval. He suggested that Mr. Fuerst check with the Department of Public Works and Environmental Services regarding these requirements.

**Mr. Larry Zaragoza**, representing the Environment and Recreation Committee of the Mount Vernon Council of Citizen Associations, stated that he was speaking on behalf of Jim Davis, the Chair of this Committee. He reviewed a number of issues from his written statement, which is attached. He commended EQAC for its web site and its *Annual Report on the Environment*, and suggested a need for greater communication and coordination between EQAC and community-based environmental groups. He suggested that EQAC's web site could be expanded in scope to assist with information dissemination to these groups. Other issues that Mr. Zaragoza raised were: concerns about organics in surface water; uncertainty regarding how the Chesapeake 2000 Agreement will be implemented; impacts of development to tidal wetlands; the granting of Special Exceptions that appear to be in conflict with the Chesapeake Bay Preservation Ordinance; the relationship between transportation planning and air quality; and the need for more alternatives (e.g., bicycling facilities) to automobile travel. Ms. Koch suggested that Mr. Zaragoza should, in the future, expand upon those concerns that he feels that EQAC should consider and provide this guidance to EQAC as input into the *Annual Report* process. Mr. Zaragoza stated that he would be happy to do this, and stressed that his main concerns centered around the need for better enforcement of regulations (e.g., the need to avoid the granting of Special Exceptions that are in conflict with the Chesapeake Bay Preservation Ordinance). Chairman McLaren suggested that Mr. Zaragoza outline his concerns in an e-mail to Mr. Kaplan.



**Mr. Jack Hannon**, representing the West Lewinsville Heights Citizens Association, addressed the Council regarding possible ballfield development at the McLean High School Park site. He endorsed the comments of Mr. Fuerst, who spoke earlier to a similar concern on a different site. He distributed a draft concept plan that had been developed to display how two rectangular athletic fields and six tennis courts could fit on this property, noting that a substantial amount of clearing and grading, as well as stream channelization, would be needed to provide for the facilities. A copy of this draft concept plan is attached. He stated that his association has passed resolutions characterizing the proposed athletic fields as an “environmental disaster,” with extensive clearing and grading, the possible need to place the stream in a culvert, and resulting impacts on stormwater runoff characteristics were primary concerns. He expressed concern that the project was included as an item in the 1998 park bond referendum, even though there had been no evaluation of the impacts of this idea and no public disclosure or input regarding this particular proposal. He also expressed concern that the stream may be perennial, thereby warranting designation as a Resource Protection Area.

At the request of Chairman McLaren, Thaddeus Zavora, with the Planning and Development Division of the Park Authority, provided background regarding the bond referendum and master planning process. He stated that the bond referendum identified, as part of a six-year plan, funds for McLean High School Park, with facilities that may include a ball field. He stressed, however, that the key process to determine whether or not active recreational uses would be constructed on the site was the master planning process, which has not yet occurred. He stated that the Park Authority would go through such a process before any specific development plans are prepared. He stressed that the master planning process will include public hearings and inter-divisional reviews of site conditions and constraints, and that the master planning process will begin during calendar year 2001. He estimated that the process would take six to twelve months to complete before a staff recommendation is forwarded to the Park Authority Board. Chairman McLaren suggested the need to incorporate the public into the planning process. Mr. Zavora agreed. Chairman McLaren also encouraged Mr. Zavora to review the recently-adopted amendment to the *Policy Plan* regarding stream protection.

Mr. Crandall expressed concern that this item could be placed on the bond referendum without the benefit of the studies of site constraints. Mr. Zavora characterized this item as nothing more than a “place holder” that would allow for further consideration by the Park Authority. After further discussion, Chairman McLaren concluded that there is a continuing tension within the Park Authority between resource protection and active recreation needs; he expressed his concern that active recreation needs can overwhelm natural resources. He asked that Mr. Hannon apprise him of any such imbalance that may develop during the course of the master planning process for the site in question. Mr. Hannon stressed that Park Authority staff had been quite helpful, and that his criticisms were not directed at staff.

**Matt Berres**, representing the Potomac Conservancy, echoed Mr. Fuerst's earlier comments regarding Bull Neck Run. He stated that there is a need to protect the headwaters of this stream, and that any upstream development could be detrimental to sensitive species that are present within this stream.

Mr. Berres focused his comments on the need to better protect the shoreline of the Potomac River in the Potomac Gorge area between Georgetown and Great Falls. He expressed his view that there have been egregious examples of clearing along the Potomac River shoreline in Fairfax County—he indicated that the Luria property has been particularly notable in this regard, but that inappropriate clearing has occurred on other properties as well. He provided the Council with a copy of a letter that the Potomac Conservancy sent to Jeff Blackford (Department of Public Works and Environmental Services) regarding this matter, as well as a copy of a recent related newspaper article. Copies of the letter and article are attached. Mr. Berres expressed concern about the County's enforcement of the Chesapeake Bay Preservation Ordinance. He suggested that there was a need for a proactive effort to prevent violations of the Ordinance from happening in the first place, and noted that the Potomac Conservancy is pursuing outreach efforts to land owners along the Potomac River shoreline. He suggested that a strengthening of both enforcement efforts and penalties for violations of the Chesapeake Bay Preservation Ordinance would further serve this effort.

Chairman McLaren asked if Mr. Berres would submit to EQAC a summary of its activities during the year 2000 along with its recommendations. He suggested that Mr. Berres provide this information to Mr. Kaplan by March, 2001. There was additional discussion about provisions of the Chesapeake Bay Preservation Ordinance regarding clearing of sight lines and vistas in Resource Protection Areas and the staff response to violations on the Luria property. Chairman McLaren suggested that Mr. Berres coordinate with the Department of Public Works and Environmental Services regarding enforcement efforts and that he advise the Board of Supervisors of his findings. Dr. Schnare noted the tension between environmental protection and private land rights.

**Neal McBride**, representing the Laurel Hill Task Force and the South Run Coalition, spoke to the Council about two issues associated with the Energy/Resource Recovery Facility (E/RRF): air pollutant emissions and trucks hauling trash from Washington D.C. With respect to the emissions, Mr. McBride noted increasing residential development in the area near the facility and raised concerns about dioxin emissions. He stated that recent research about dioxin indicates that dioxin has a much lower threshold for problems that had previously been thought, and he expressed his view that better monitoring of dioxin levels around the facility is needed. He noted that the Health Department has rejected the idea of increased monitoring efforts as being outside the scope and resources of the Department. With respect to trash trucks from Washington, D.C., Mr. McBride stated that many of these vehicles are unsafe and are travelling on roads that they are not supposed to be travelling on. He indicated that the County

depends on the trash trucks from Washington, D.C. in order to meet the minimum tonnage requirements for the E/RRF and that the County is therefore approaching enforcement issues timidly. He indicated that he would be pursuing legislation through Congress to require D.C. to implement truck controls that are consistent with the higher quality controls applied by Fairfax County.

Mr. McBride stated that the Comprehensive Plan for Laurel Hill calls for the Department of Public Works and Environmental Services (DPWES) to initiate, by 2005, a study of whether the E/RRF should be continued, and how the facility should be upgraded over the remainder of its life. He recommended that this study be initiated no later than 2002. There was further discussion of issues raised by Mr. McBride.

**K.W. Crissman** spoke to the Council as an individual. He expressed concern about residential construction in the area between Route 123, Hampton Road, and Henderson Road. He stated that construction was encroaching on wetlands and wildlife habitat, and he raised specific concerns about the installation and maintenance of erosion and sedimentation controls for development along Sandy Run. He noted that Sandy Run carries a significant amount of sediment as it passes under Hampton Road. Mr. Crissman also supported comments that were made earlier in the meeting in support of updating County information regarding the perenniality of streams in order to improve protection of perennial streams through the Chesapeake Bay Preservation Ordinance. He added that the County needs to ensure that wells and septic systems are sized and located appropriately. The Council engaged Mr. Crissman in a discussion of several of the issues that he raised. Chairman McLaren stressed that Mr. Crissman and his neighbors need to be vigilant in reporting complaints about inadequate erosion and sedimentation controls to the County.

**Roger Diedrich**, representing the Great Falls Group of the Sierra Club, read from his written statement, a copy of which is attached. His comments focused on land use (opportunities to revise policies through a Comprehensive Plan review, management of Lorton and Mason Neck, and avoiding inappropriate sewer line extensions); parks (development of management plans and enforcement of rules regarding usage); water quality (establishment of a stormwater utility and revisiting the Chesapeake Bay Preservation Ordinance); and transportation (efforts to study a possible "techway" crossing of the Potomac River, relationship to air quality, and the purchase of low-emission vehicles for County fleets).

**Chris Karner**, representing the Fox Heritage Homeowners Association, updated the Council on the Lake Martin issue. He noted that this was his fourth consecutive year of addressing EQAC on this matter. He noted that the County had hired a consultant to assess the issue; he questioned the impartiality and results of the consultant, noting that he had prepared a report that conflicted with that prepared by the consultant. He indicated that the State had accepted his report and, after hearing a lengthy presentation of his findings, determined that the County study was lacking. He indicated that the result was a directive by the State to the County to halt development upstream of the Lake, to restore a

stream, and to dredge the lake. Mr. Karner expressed frustration with the County's response to this directive. He noted that a revised study by the County's consultant concluded that impacts to Lake Martin were considerably greater than what had initially been reported. He criticized County staff for accepting inappropriate engineering controls, for allowing continued violations of erosion and sedimentation control requirements, for allowing residential use permits to be granted before the developer complied with the conservation agreement for the project, and for settling a \$1.7 million State-directed lawsuit with one of the developers for \$2,800. He stated that the developer had caused \$1.5 million worth of damage and highlighted some of the adverse environmental impacts associated with this damage.

Mr. Karner concluded that the County government had failed to fulfill its responsibility to protect its citizens, and stressed that land owners' rights do not exist solely for the developer. He argued that there had been a taking of his community's (e.g., the use of the community's pond as a regional impoundment) and expressed his disgust with County staff. He called for a mid-level management change in the County.

Mr. Karner also noted that the County grants waivers of stormwater detention requirements upstream of proposed regional stormwater management facilities, even if those facilities are not in place and will not be constructed in the foreseeable future. He stated that there have been 604 waivers of stormwater detention requirements in the past three years and argued that there should be no such waivers granted. He also faulted the County for lack of notice to contractors regarding National Pollutant Discharge Elimination System (NPDES) requirements for development projects of greater than five acres.

A number of Council members expressed their dismay over the continued problems that Mr. Karner has brought to its attention. Ms. Koch stated that she would like EQAC to address the issue of waivers. Chairman McLaren stated that, if the County is still having problems enforcing its erosion and sedimentation control requirements, EQAC should know about it. Mr. Karner expressed his view that County staff has an inappropriate perspective regarding enforcement of requirements. Dr. Schnare suggested that this issue be placed on EQAC's agenda, with the consideration of a case study to guide the review. There was further discussion of this issue.

The public hearing was closed at 9:25 PM.